

October 16, 2002

Robert J. Whiting
Chief, Regulatory Branch
Department of the Army
St. Paul District, Corps of Engineers
190 Fifth Street East
St. Paul, MN 55101-1638

RE: 94-01298-IP-DLB

Dear Mr. Whiting:

I have received the copies of the draft of Chapter 3.9, Mineral Resources, of the U.S. Corps of Engineers Environmental Impact Statement for the Crandon Mine Project on September 16, 2002, for review and comment, as per our cooperative agency agreement.

Though comments on Sub-chapter 3.9 are provided below, EPA fully retains its independent review responsibilities under Section 309 of the Clean Air Act (42 U.S.C. § 7609) and NEPA and its implementing regulations as outlined in the EPA/COE cooperative agreement. In addition, since the sub-chapter is not yet complete and is "out of context" with the rest of the EIS, and it also refers back to other chapters that are still draft (i.e., Chapter 2), more comments may be forthcoming once the initial draft of the EIS is presented for comment.

There are several issues that need to be clarified prior to finalizing this portion of Chapter 3. These issues and other specific comments are as follows:

1) In general, more support to draft sub-chapter is needed, similar to what Montgomery Watson produced for the next sub-chapter to be reviewed regarding Visual Resources. The technical memorandum attached to that sub-chapter did help the reviewer understand more of how certain determinations and statements were derived, i.e., what work the contractor did to verify the applicant's claims or what work the contractor relied on to make certain statements. Similar technical memorandums would be beneficial for future reviews.

2) Section 3.9.3, Issues Addressed in the Impact Analysis: Page 3-1: The third bullet is not addressed in this sub-chapter but the text does explain that this issue is more appropriately addressed under the impact analysis sections for potential human health and safety and ecosystem impacts. According to the COE's March 2001 draft Scoping Document, Table A-2, this analysis will address the issue of what impacts would result from mining and processing

unanticipated elements such as mercury, radium 226, uranium, vanadium, lead, molybdenum, titanium, cobalt, platinum, iron, nickel, tin, chromium, antimony, silver and gold. In addition, previous EPA comments (dated October 30, 2001) asked if this analysis will also evaluate the overall national need for the metals to be mined, and if an increase in recycling could be considered as a viable alternative. If these issues are not to be analyzed in the impact analysis section, then they should be listed under Section 3.9.2: Issues Eliminated from Further Analysis with an explanation as to why they will not be further analyzed.

3) Section 3.9.4, Description of Impact Area of Influence: Page 3-1: This section clearly states that the area of influence for potential mineral resource impacts is only concerned with areas outlined within Map 3-1 (the proposed mine project boundary). This is also stated in Chapter 3, Scope of the EIS, of the COE's Draft Scoping Document, dated March 2001. However, the descriptions of the issues within the appendices of the draft scoping document (Table A-1), seem to also be concerned with what mineral resource impacts would occur on ore bodies *adjacent to* the proposed mine site, and also to existing mineral rights and claims (with no boundaries listed). Will these be addressed here, and if not, where? If these will not be addressed at all, they should be listed under Section 3.9.2 as issues eliminated from further analysis.

4) Section 3.9.5.1: General Geologic Conditions: Page 3-3: The first paragraph states that the ground surface elevations in the immediate project area range from approximately 1,535 feet MSL near Rolling Stone Lake, about three miles south of the orebody, to 1,789 feet MSL, about two miles south of the orebody. Since both of these referenced points are located to the south of the orebody, it really does not provide any insight as to what the overall elevation is in the project area. Does it keep rising? Does it dip back down to 1,535 feet? Section 3.10.6, Affected Environment, of the draft sub-chapter 3.10, Visual Resources, states that "Elevations in the vicinity of the impact area of influence range from 1,540 feet to 1,939 feet ..." Subsections within the EIS will need to be consistent with each other, so Section 3.9.5.1 should be re-written.

5) Section 3.9.6.1.1: Analysis of Proposed Action and Alternatives: Page 3-9: This section states that no potential economically mineable secondary or associated reserves were identified. With the zinc and copper reserves being considered the primary reserves within the project area, are gold and silver (that will be recovered) considered as part of those primary reserves or can they be considered part of a secondary or associated reserve? Also, this section needs to provide more support information with regard to what planned measures to maximize recovery have been identified. If this information is to be provided later within this subsection or elsewhere in the EIS, then it should be referenced here, i.e., see Section 3.9.6.5. Also, for the last sentence of both the first and second paragraphs of this section, "are identified and discussed" should be followed with a citation as to where they are identified and discussed.

6) Section 3.9.6.4: No Action Alternative: Page 3.11: This section states that the no action alternative could, "also have the foreseeable indirect impact of reducing the value of other existing mineral rights and claims, both locally and regionally, since the potential for future mineral development would be in question". For consistency, the converse of this statement, that if the mine gets permitted, other existing mineral rights and claims, both locally and regionally, would most likely rise in value, and make way for a foreseeable increase in mine permit applications throughout the area, needs to be mentioned in the mineral resource impact

analysis.

7) Sections 3.9.7 - 3.9.11: Page 3-13: These sections are not provided yet, but the COE's note to readers states that the COE will develop these sections through a review process involving the applicant. Will the cooperating agencies also be part of the review process? Can an explanation be provided as to what these sections will entail, i.e., what will 3.9.10 pertain to? Will there be a final section that summarizes the entire mineral resources sub-chapter?

Thank you for the opportunity to review this document and to provide comments. Further input regarding sub-chapter 3.9, Mineral Resources, may be forthcoming depending on the responses to the comments above and on future reviews of the COE's draft and final documents. If you have any questions on the above, please give me a call at 312-886-7252.

Sincerely,

signed by DJC on 10/16/02

Daniel J. Cozza, Crandon Mine Project Manager
U.S. Environmental Protection Agency

cc:

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